

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING**  
**MEMORANDUM**

**DATE:** February 4, 2010  
**TO:** Loudoun County Planning Commission  
**FROM:** Marchant Schneider, Department of Planning, Project Manager  
**SUBJECT: FEBRUARY 22, 2010 PLANNING COMMISSION PUBLIC HEARING  
CMPT 2010-0001 – DULLES INDUSTRIAL PARK SOUTH, LOT 1**

**BACKGROUND**

The Planning Commission held a public hearing for a companion Special Exception application (SPEX 2009-0006) on January 21, 2010. The application proposes the installation of two 30,000-gallon storage tanks for storage and distribution of propane gas in the MR-HI (Mineral Resource-Heavy Industry) zoning district. The use will comprise 0.97 acres of a 4.52 acre parcel located on the north side of Wade Drive, approximately 0.5 mile north of the intersection of Pleasant Valley Road and Route 50 in Chantilly. The proposed facility will be located with an existing air compressor rental company (Washington Air Compressor Company) and landscaping company (Palmer Landscaping) and is intended to replace an existing distribution facility in Aldie. The area is governed by the policies of the Revised General Plan (Suburban Policy Area, Dulles Community) which designate this area for Industrial Uses.

Staff informed the Planning Commission at the January 21 public hearing that Zoning Administration had determined the proposed Special Exception use (bulk storage of propane gas) meets the State Code definition of a "public service corporation" and therefore requires a Commission Permit pursuant to Section 6-1100(A) of the Zoning Ordinance. A Commission Permit is required when a proposed public use is not identified as a feature of the adopted Comprehensive Plan or as part of certain development plans authorized by the Zoning Ordinance to include such uses. Commission Permit applications are evaluated to determine whether the general location, character, and extent of the proposed public use is in substantial accord with the Revised General Plan (RGP). Compliance with RGP policies regarding site design and layout, environmental impacts, scale and intensity, and transportation improvements are evaluated during the Special Exception review process.

Given the timing of the Zoning Determination and subsequent requirement for a Commission Permit, Staff recommended at the public hearing that the Planning Commission forward the Special Exception application to worksession in order for the Commission Permit to be scheduled for Planning Commission Public Hearing on February 22, 2010. The Planning

Commission will be required to evaluate the Commission Permit prior to a recommendation regarding the Special Exception application.

Please refer to the application materials provided for the January Planning Commission Public Hearing (SPEX 2009-0006). If those materials are no longer available, please contact the Project Manager to request a duplicate copy.

### **ANALYSIS**

As noted above, Commission Permit applications are evaluated to determine if the general location, character and extent of the proposal are in substantial accord with the Comprehensive Plan. Having previously reviewed the special exception application for consistency with the Comprehensive Plan, Community Planning has issued referral comments reiterating the consistency of the proposed use with the land use policies of the Revised General Plan (Industrial Use) and continuing to recommend approval of the use. A copy of the referral comments has been included as Attachment 1.

### **RECOMMENDATION**

Staff continues to recommend approval of the SPEX application with development conditions (see Attachment 2) and recommends approval of the Commission Permit. The proposed bulk propane gas storage facility is consistent with the existing land use policies of the Revised General Plan for the subject area (Suburban Policy Area) and with the Revised 1993 Zoning Ordinance.

### **SUGGESTED MOTIONS**

- 1a. I move that the Planning Commission approve CMPT 2010-0001, Dulles Industrial Park South, Lot 1, and forward the application to the Board of Supervisors for ratification, subject to the Commission Permit Plat dated February 3, 2009, revised through February 2, 2010, and based on the Findings attached.

*and*

- 1b. I move that the Planning Commission forward SPEX 2009-0006, Dulles Industrial Park South, Lot 1, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated February 4, 2010, and based on the Findings contained in the January 21, 2010, Planning Commission Public Hearing Staff Report.

**OR,**

2. I move that the Planning Commission forward CMPT 2010-0001 and SPEX 2009-0006, Dulles Industrial Park South, Lot 1, to a subsequent worksession for further discussion.

**OR,**

3. I move an alternate motion

**CMPT 2010-0001 – DULLES INDUSTRIAL PARK SOUTH, LOT 1**  
**February 22, 2010 PLANNING COMMISSION PUBLIC HEARING**

<b>ATTACHMENTS</b>	<b>PAGE NUMBER</b>
1. Findings for Approval	A-1
2. Conditions of Approval (02-04-10)	A-2
3. Department of Planning, Community Planning Comments (02-02-10)	A-5
4. ZCOR 2010-0028 (01-20-10)	A-7
5. Special Exception / Commission Permit Plat (Revised 02-02-10)	(follows A-8)

**This page intentionally left blank.**

**FINDINGS FOR APPROVAL**  
**DULLES INDUSTRIAL PARK SOUTH, LOT 1**  
**CMPT 2010-0001**

1. The general location, character, and extent of the proposed bulk storage and distribution of propane gas are in substantial accord with the existing land use policies of the Revised General Plan (RGP) (Suburban Policy Area, Dulles Community).
2. The use of the subject site storage of bulk propane storage is generally in conformance the RGP's vision for Industrial areas and is compatible with established uses on similarly planned properties adjacent to the site.
3. The proposed use will support the timely delivery of gas service to businesses and household consistent with RGP policies.

**This page intentionally left blank.**

**SPEX 2009-0006**  
**DULLES INDUSTRIAL PARK SOUTH, LOT 1**  
**CONDITIONS OF APPROVAL**  
**(February 4, 2010)**

1. **Substantial Conformance.** The proposed Special Exception use, bulk storage of propane gas, shall be developed in substantial conformance with Sheet 2 and Sheet 3 (together comprising and herein referred to as the "Special Exception Plat") of the plan set entitled Special Exception Plat, Lot 1, Dulles Industrial Park South, SPEX 2009-0006, CMPT 2010-0001, prepared by William H. Gordon Associates, Inc., dated February 3, 2009, revised through February 2, 2010 (the "Plans") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application for Tax Map 102///1/////1/ (PIN# 097-40-7676) (the "Property"), shall not relieve the applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Uses Permitted/Prohibited.** Approval of the Special Exception grants approval under the general use "Storage, bulk gasoline, petroleum products and natural gas, small and large" as set forth in the Revised 1993 Loudoun County Zoning Ordinance, in the MR-HI (Mineral Resource – Heavy Industrial) Zoning District. This Special Exception specifically approves only the installation and use of two 30,000-gallon propane storage tanks as shown on Sheet 3 of the Special Exception Plat and applies only to that area of the Property shown on Sheet 3 as lying within the bold, single-dash lines and labeled as "Limits of Special Exception (42,153 S.F. or 0.97 ac.)" (the "Special Exception Area"). Notwithstanding the provisions of the MR-HI Zoning District use regulations, storage of distribution vehicles shall not be permitted on the Property within the Special Exception Area.
3. **Hours of Operation.** Activities related to the use of the propane tanks and associated equipment shall be limited to the hours from 7:30 a.m. to 5:00 p.m., Monday through Friday, except as required for maintenance and safety inspection.
4. **Storage Tank Design.** The applicant shall utilize precast, reinforced concrete steel piers to support the propane tanks. The propane tanks shall be painted light, reflective colors.
5. **Emergency Response and Evacuation Plan.** Prior to the issuance of the first zoning permit for the special exception use, the applicant will develop and submit an Emergency Response and Evacuation Plan to the Department of Fire, Rescue and Emergency Management for Fire-Rescue preparedness training specific to the propane tanks and associated equipment that are to be installed on the Property.

6. **Safety Equipment.** The applicant shall install a remote emergency gas shut-off station within the Special Exception Area in accordance with applicable fire prevention code or other applicable regulations, or, if no such code or regulations otherwise require, within two hundred and fifty-five feet (255') of the propane tanks. Stored propane shall contain an odorant for gas leak detection.
7. **Fencing.** Prior to first zoning permit approval for the Special Exception use, the Applicant shall install a chain link fence at least six feet (6') in height along the perimeter of the area of the propane tanks as shown on Special Exception Plat Sheet 3.
8. **Landscaping.** The applicant shall install an Evergreen Tree Buffer / Screen as shown on the Special Exception Plat Sheet 3 prior to or in conjunction with the first zoning permit approval for the Special Exception use. The size, amount, and species of the evergreen plantings shall be determined in consultation with the County Urban Forester. The applicant shall utilize native species for new plant material, as determined in consultation with the County Urban Forester, to the maximum extent possible. All required landscaping shall be depicted upon and bonded with the site plan. Landscaping materials within the Evergreen Tree Buffer / Screen shall be maintained in good condition by the property owner or appropriate owners association for the life of the planted material.
9. **Lighting.** No lighting fixtures shall be installed in conjunction with the Special Exception use except as otherwise required by law, ordinance, or regulation.
10. **Right of Way.** Upon written request by the Virginia Department of Transportation (VDOT) or the County, the Applicant shall dedicate to the County or VDOT, as applicable, five feet (5') of right of way along the Property's frontage to Wade Drive (Route 872) for public street purposes including without limitation the construction of the planned Route 50 North Collector Road. Such dedication shall be provided at no public cost.
11. **Easements.** Upon written request by VDOT or the County, the applicant shall grant construction, drainage, and all other easements necessary for the construction of the public street improvements referenced in Condition 10 above, at no public cost.
12. **Pump and Haul Facilities.** Pump and haul tanks located on the Property shall be abandoned prior to first site plan approval for the Special Exception use.
13. **Well Monitoring Program.** The Applicant shall work with the County to determine if the existing on-site well is suitable for the County's well monitoring program. If the on-site well is suitable for the well monitoring program, the Applicant shall provide access to the County for water quality and water quantity testing. Such access shall be provided through coordination with the Applicant and/or owners of the Property.



**NOTE:** *The Applicant has agreed to provide a one time Fire and Rescue contribution to the County in the amount of \$1,000 for equal distribution between the primary volunteer Fire and Rescue servicing companies. This contribution shall be made prior to the issuance of a zoning permit for the installation any propane storage tank on the Property. Applicant has further agreed that the amount of such contribution shall escalate annually from the base year of 2009 and shall change effective each January 1st thereafter, based on the Consumer Price Index (CPI-U) for all urban consumers, 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.*

**This page intentionally left blank.**

**County of Loudoun**

**Department of Planning**

**MEMORANDUM**

**RECEIVED**

FEB 02 2010

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING

**DATE:** February 2, 2010

**TO:** Marchant Schneider, Project Manager  
Land Use Review

**FROM:** Sarah Milin, Senior Planner *sm*  
Community Planning

**SUBJECT:** CMPT 2010-0001 - Dulles Industrial Park South, Lot 1

**BACKGROUND**

Dulles South Properties, LLC and AmeriGas Propane are requesting a Commission Permit to install two 30,000 gallon storage tanks for the distribution and storage of propane gas in the MR-HI (Mineral Resource-Heavy Industry) zoning district. The subject site contains approximately 4.53 acres and is located within an existing industrial area on the north side of Route 50, west of Pleasant Valley Road on Wade Drive. It has been previously cleared and graded for development and contains several buildings, including an office/heavy equipment repair building and storage sheds. The Washington Dulles International Airport is north of the site. In accordance with the Revised 1993 Loudoun County Zoning Ordinance, a Commission Permit (CMPT) is required for a public service corporation, whether publicly or privately owned, to locate within Loudoun County. Commission Permit applications are evaluated to determine if the general location, character and extent of the proposal are in substantial accord with the Comprehensive Plan. According to a zoning determination issued on January 20, 2010, the proposed use requires a Commission Permit because the Code of Virginia, Section 56 includes gas companies in the definition of a "public service corporation".

A Special Exception application (SPEX 2009-0006) has been previously reviewed for the proposed use. In Community Planning's second referral for that application (dated November 16, 2009), staff recommended approval of the proposed Special Exception provided that appropriate conditions of approval be agreed upon to ensure that potential negative impacts will be avoided, minimized or mitigated. Draft Conditions of Approval (January 21, 2010) associated with the Special Exception application have been included with the Commission Permit application that are consistent with staff's recommendations.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

Guidance for development of the subject property is provided by the Revised General Plan, as amended by the Arcola Area/Route 50 Corridor Plan. The Revised Countywide Transportation Plan and the Bicycle and Pedestrian Mobility Master Plan ('Bike/Ped Plan') also apply. The site is

located in the Dulles Community of the Suburban Policy Area and designated for Industrial uses (*Arcola Area/Route 50 Corridor Plan, Planned Land Use Map*).

The Plan states that areas in the Route 50 corridor like the subject site that are designated for Industrial uses are subject to the policies and land use mix ratios of Chapter 6 except as modified or supplemented by the Arcola Area/Route 50 Corridor Plan (*Arcola Area/Route 50 Corridor Plan, General Industrial Policy 1*). The land use policies in Chapter 6 and the energy and communication facilities policies in Chapter 2 of the Revised General Plan were used to evaluate the proposed Commission Permit.

## **ANALYSIS**

### **1. Land Use**

The Plan recognizes that gas, electrical and communication service, all provided by the private sector, are essential components of daily life. The County supports the timely delivery of these services to businesses and households as development occurs, but seeks to minimize the negative visual impacts through regulations and the Commission Permit process (*Revised General Plan, Chapter 2, Energy and Communication Facilities text*). The preferred way to minimize negative impacts is to locate facilities in appropriate areas of the County, including planned industrial areas, as proposed in this application. In the Route 50 corridor, the County supports industrial uses as the preferred use in designated industrial communities (*Arcola Area/Route 50 Corridor Plan, General Industrial Policies 3 and 4*). Plan policies also intend that designated Industrial areas will accommodate the continued operation and expansion of major industrial uses in the County and provide a degree of protection for industrial uses from other land uses. Primary land uses in these industrial areas are General Industry and Heavy Industry (*Revised General Plan, Chapter 6, General Industrial text*).

The proposed location of the propane storage and distribution facility, considered by the Revised General Plan to be an industrial use, on a property planned for Industrial uses is consistent with the Plan's vision. Furthermore, the proposed use is generally compatible with the surrounding industrial uses that exist in the area today. The subject property currently contains an air compressor rental company and a landscaping company. Other properties in the site's immediate vicinity have been developed with a variety of heavy, light, and flex industrial uses, including several landscaping and composting companies, a crane service company, an irrigation supply company, large construction equipment and vehicle/truck storage companies, a concrete company, and a recycling and processing waste company.

***Staff finds that the proposed propane storage and distribution facility is consistent with the general land use and energy facilities policies of the Revised General Plan.***

## **RECOMMENDATIONS**

Staff recommends approval of the proposed Commission Permit.

cc: Julie Pastor, AICP, Planning Director  
Cindy Keegan, AICP, Program Manager, Community Planning, via e-mail



## Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

Department of Building and Development

Zoning Administration / MSC# 60

1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000

Administration: 703-777-0397 • Fax: 703-771-5215

January 20, 2010

Marchant Schneider  
Senior Planner, Land Use Review  
Loudoun County Department of Planning  
P.O. Box 7000, MSC #62  
Leesburg, VA 20177

**RECEIVED**

JAN 20 2010

LOUDOUN COUNTY  
DEPARTMENT OF PLANNING

RE: Commission Permit – Bulk Propane Storage  
Tax Map # 102////1////1/ MCPI 097-40-7676

Dear Marchant:

I am responding to your email dated January 13, 2010 to Dan Schardein, Zoning Administrator, in which you asked if approval of a Commission Permit is required for a use described as "bulk propane storage" to locate at Dulles Industrial Park South, Lot 1. As explained in your email, a special exception application, SPEX-2009-0006, is pending approval to locate the use at the above referenced location.

The Statement of Justification provided with the special exception application indicates that the use is bulk storage and commercial distribution of propane gas. The proposed use is defined in the Revised 1993 Loudoun County Zoning Ordinance (Ordinance) as "Storage, bulk gasoline, petroleum products and natural gas, small and large." "Propane gas" is not defined in the Ordinance; however, Article 8 states, in part, that any word, term, etc. not defined in the Ordinance shall have the meaning ascribed to such word, term in the most recent edition of Webster's Unabridged Dictionary. The dictionary indicates that propane gas is used chiefly as a fuel (as in liquefied petroleum gas.) Section 6-1100(A) requires approval of a Commission Permit for a public service corporation facility, whether publicly or privately owned, to locate within Loudoun County. In the Revised 1993 Loudoun County Zoning Ordinance, the definition of a "public utility/facility" includes "all buildings and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State code. The definition of "public service corporation" in the Code of Virginia, Section 56-, includes gas companies.

ZCOR-2010-0028

ATTACHMENT 4

A-7

Therefore, it is staff's opinion that a Commission Permit is required for the proposed use to locate on the referenced property.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

If I may be of further assistance, please contact me at 571-258-3197 or by email at [nita.bearer@loudoun.gov](mailto:nita.bearer@loudoun.gov).

Sincerely,



Nita Bearer  
Zoning Planner

C: Dan Schardein, Zoning Administrator  
Marilee Seigfried, Deputy Zoning Administrator  
Ron Brown, Assistant County Attorney  
Julie Pastor, Director of Planning  
Van Armstrong, Program Manager  
Property Owner: Dulles South Properties LLC

ZCOR-2010-0028

SPECIAL EXCEPTION PLAT  
LOT 1

DULLES INDUSTRIAL PARK SOUTH

SPEX 2009-0006  
CMPT 2010-0001

DULLES ELECTION DISTRICT  
LOUDOUN COUNTY, VIRGINIA

OWNER/APPLICANT  
**DULLES SOUTH PROPERTIES, LLC**  
4622 42ND PLACE  
HYATTSVILLE, MD 20781-2208  
301.230.5800

ENGINEER/PLANNER

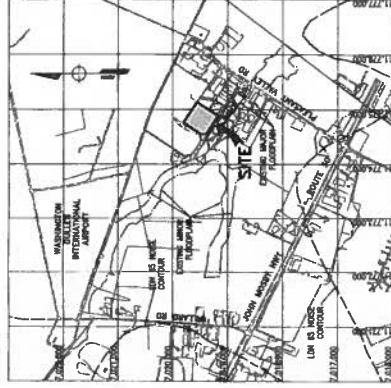


**William H. Gordon Associates, Inc.**  
Engineers Land Planners • Landscape Architects • Surveyors  
305 Harrison Street, Suite 1A  
Leesburg, Virginia 20175  
(703) 779-2191

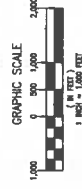
PROJECT MANAGER: ROY CLARK

DATE ISSUED: FEBRUARY 3, 2009

NO.	REVISION	DATE
4.	ADD CMPT 2010-0001 TO COVER SHEET	2/02/10
3.	COUNTY COMMENTS	11/16/09
2.	COUNTY COMMENTS	10/09/09
1.	COUNTY COMMENTS	3/25/09



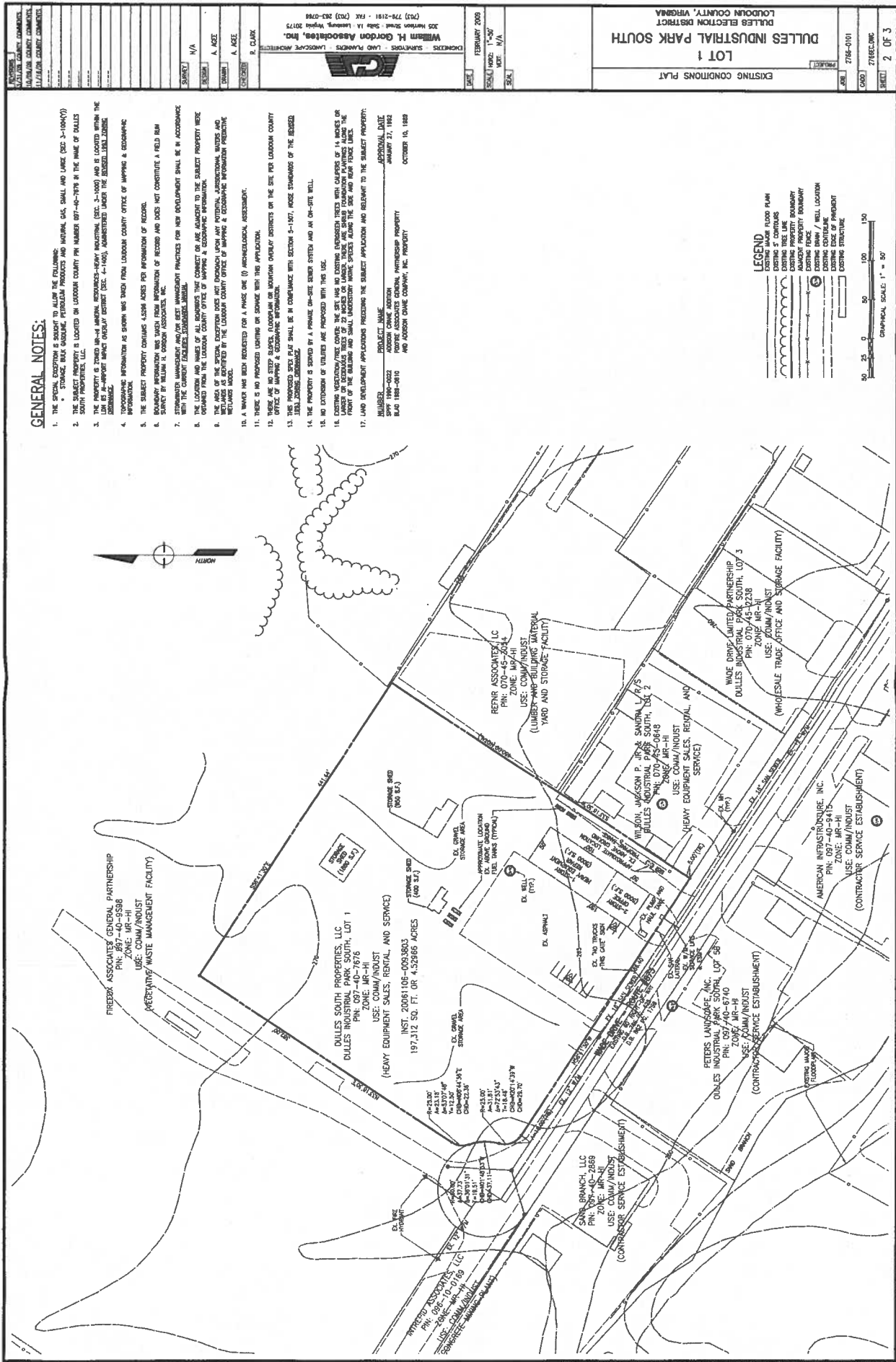
VICINITY MAP



LIST OF DRAWINGS

1. COVER SHEET
2. EXISTING CONDITIONS PLAT
3. SPECIAL EXCEPTION PLAT

STEPHEN STECKLEN	EXECUTIVE V.P. AND CHIEF OPERATING OFFICER	TITLE
<i>Stephen Stecklen</i>		DATE
LOIS SMITH	DISTRICT MANAGER	TITLE
<i>Lois Smith</i>		DATE



**DULLES INDUSTRIAL PARK SOUTH**  
**LOT 1**  
 EXISTING CONDITIONS PLAT

PROJECT: 2766-0101  
 SHEET: 2 OF 3

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101

DATE: 2766-0101  
 2766-0101



